REMARKS

Claims 1 - 4, 6, 9, 10, 12, 14 - 22 and 79 - 101 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that these claims are in condition for allowance.

Claims 1 - 4, 6, 9, 10, 12, 14 - 21 and 79 - 101 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,690,269 to Bolanos et al. ("Bolanos"). *9-18-09 Office Action*, p. 2.

Claim 1 recites an end effector apparatus comprising "a deflecting mechanism having a proximal portion, a distal portion, and a redirection mechanism between the proximal portion and the distal portion, the redirection mechanism configured to allow the distal portion to be redirected relative to the proximal portion" and "an end effector assembly coupled to the distal portion" along with "a first actuator coupled to the deflecting mechanism to redirect the distal portion with respect to the proximal portion via the redirection mechanism" and "a second actuator coupled to the end effector assembly to actuate the end effector assembly" in combination with "a proximal opening and a side gap defined by the deflecting mechanism, *wherein each of the first and second actuators extends through the proximal opening and selectively extends through the side gap.*"

In contrast, it is respectfully submitted that Bolanos does not show or suggest first and second actuators that *both* selectively extend from a side gap defined by the deflecting mechanism. In particular, it is respectfully submitted that a first actuator of Bolanos, which actuates a deflection of a distal portion, does not selectively extend through the side gap. Specifically, Bolanos describes a deflecting mechanism comprising a distal portion including an articulation portion 186 and first endoscopic portion 185 and a proximal portion including a

second endoscopic portion 184. *Bolanos*, col. 6, ll. 10 - 13. The distal and proximal portions 186/185, 184 are coupled to one another such that the distal portion 186/185 is deflectable relative to the proximal portion 184. *See Id.* at Fig. 8. An articulating rod 96 and an inner rod 70 extend through at least a portion of the deflecting mechanism to move the distal portion 186/185 relative to the proximal portion 184 and actuate jaws 124, respectively. *Id.* at Fig. 12.

The Examiner contends that Fig. 12 shows a side gap defined by both an opening at a proximal end of the first endoscopic portion 185 and a recess formed between protruding tabs at a distal end of the second endoscopic portion 184. *9/18/09 Office Action*, p. 3. It is respectfully submitted that the articulating rod 96 does not selectively extend through either of the "gaps" identified by the Examiner. The articulating rod 96 may be moved distally to push against a portion of the first endoscopic portion 185, causing the distal end of the instrument to deflect away from a longitudinal axis thereof. *Id.* at col. 6, ll. 25 - 28. As shown in Fig. 12, the articulating rod 96 extends through the deflecting mechanism in a location substantially radially opposed to the opening in the first endoscopic portion 185 such that the articulating rod 96 never extends therethrough. Fig. 12 also shows that the articulating rod 96 always remains in the *same* position relative to the recess formed between the tabs of the second endoscopic portion 184. In other words, movement of the articulating rod 96 (e.g., to deflect or straighten the distal portion relative to the proximal portion) does not cause the articulating rod 96 to *selectively* extend through the recess of the endoscopic portion 184.

Accordingly, it is respectfully submitted that Bolanos does not show or suggest "a proximal opening and a side gap defined by the deflecting mechanism, *wherein each of the first and second actuators extends through the proximal opening and selectively extends through the side gap*," as recited in claim 1. Thus, it is respectfully submitted that claim 1 is not anticipated by Bolanos and that the rejection of this claim should be withdrawn. Because claims 2 - 4, 6, 9, 10, 12, 14 - 21, 79 - 82 and 101 depend from and include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Similarly, claim 83 recites an end effector apparatus comprising "a deflecting mechanism having a proximal portion, a distal portion, and a redirection mechanism between the proximal portion and the distal portion, the redirection mechanism configured to allow the distal portion to be redirected relative to the proximal portion" and "an end effector assembly coupled to the distal portion" along with "a first actuator coupled to the deflecting mechanism to redirect the distal portion with respect to the proximal portion via the redirection mechanism" and "*wherein the first actuator does not extend through a side gap defined by the deflecting mechanism when a longitudinal axis of the distal portion is substantially collinear with a longitudinal axis of the proximal portion, and the first actuator extends through the side gap when the longitudinal axis of the distal portion is not substantially collinear with the longitudinal axis of the proximal portion.*"

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that claim 83 is not anticipated by Bolanos and that the rejection fo this claim should be withdrawn. Because claims 84 - 91 depend from and include all of the limitations of claim 83, it is respectfully submitted that these claims are also allowable.

Similarly, claim 92 recites an end effector apparatus comprising "a deflecting mechanism having a proximal portion, a distal portion, and a redirection mechanism between the proximal portion and the distal portion, the redirection mechanism configured to allow the distal portion to be redirected relative to the proximal portion, the redirection mechanism including a pivot configured such that the distal portion pivots relative to the proximal portion" and "an end effector assembly coupled to the distal portion" along with "a first actuator coupled to the deflecting mechanism to redirect the distal portion with respect to the proximal portion via the redirection mechanism" and "a side gap defined by the deflecting mechanism, *wherein the first actuator selectively extends through the side gap.*"

For at least the same reasons as discussed above in regard to claim 1, it is respectfully

submitted that claim 92 is not anticipated by Bolanos and that the rejection of this claim should be withdrawn. Because claims 93 - 100 depend from and include all of the limitations of claim 92, it is respectfully submitted that these claims are also allowable.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Bolanos. *9/18/09 Office Action*, p. 4.

As discussed above, it is respectfully submitted that claim 1 is allowable over Bolanos. Since claim 22 depends from and includes all of the limitations of Bolanos, it is respectfully submitted that this claim is also allowable.

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By:_____

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